

APPEAL NO. 030388  
FILED MARCH 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 5, 2003. The hearing officer determined that the appellant/cross-respondent's (claimant) compensable injury sustained on \_\_\_\_\_, extends to include a strain/sprain to the cervical spine and right shoulder but does not extend to include the lower back or cervical radiculopathy, and that the claimant had disability resulting from the compensable injury beginning May 1 through July 25, 2002. The claimant appeals the adverse extent-of-injury and length-of-disability determinations. The carrier responds, urging affirmance of the determinations that the claimant's injury does not extend to include the lower back and cervical radiculopathy. The carrier's response is timely filed as an appeal, and the carrier cross-appeals the determination that the compensable injury extends to include the cervical spine and shoulder injury and any period of disability.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury extends to include cervical and right shoulder strain/sprain, but does not extend to include lumbar strain/sprain or radiculopathy. The hearing officer did not err in the determination that the claimant had disability only from May 1 through July 25, 2002. There was conflicting evidence on the issues and each issue presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). The hearing officer resolved the conflicts and inconsistencies in the evidence and determined that while the claimant sustained his burden of proving that his compensable injury extended to cervical and right shoulder sprain/strain and that he had disability for the period found, the claimant did not sustain his burden of proving that his compensable injury included the lumbar spine or radiculopathy and that he had disability after July 25, 2002. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Michael B. McShane  
Appeals Panel  
Manager/Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge